

REMARKS

Claims 1-14 are pending. Claim 14 is new.

Claims 1-13 again stand rejected under 35 U.S.C. § 103(a) for obviousness, this time over a combination of U.S. Patents No. 6,072,248 to Muise et al. ("Muise") and No. 6,998,727 to Gray, Jr. ("Gray"). The rejections cannot stand because Muise and Gray do not support a *prima facie* case of obviousness against the claims.

On page 2, the Action states that "every car [is] equipped with an speedometer having a 'signal' that displays a current speed of a vehicle, that signal can split to feed into other systems that require (or having a need)" (presumably, for the "signal"). Thus, the Action attempts to trivialize the claimed monitoring from the vehicle.

With respect to claim 1, for example, the Action appears barely to consider the step of monitoring at least one of the engine speed and torque. The only mention in the Action of that step is at the top of page 4, where the Action compares monitoring speed from inside the vehicle with using command signals to control the vehicle and leaps from there to an unsupported conclusion that the rest of the steps of claim 1 follow. Of course, the claims require more than just speed monitoring from the vehicle, and those additional features are neither taught nor suggested by Muise and Gray.

Gray describes a method of operating a parallel hybrid vehicle in response to the vehicle operator's demand for power, which has nothing to do with the claimed invention that is implemented by an apparatus and thus is independent of an operator. The section of Gray cited in the Action, col. 8, ll. 8-24, deals with monitoring an operator's use of the brake pedal to determine whether the operator intends to stop the vehicle or merely slow it down. The operator's intent to stop can be inferred from the vehicle's speed falling below a particular speed, but that is not the same as monitoring at least one of engine torque and vehicle speed and using that information in enabling the engine of the vehicle to operate at a reduced power level as claimed.

As for the step of allowing the vehicle to operate at a reduced power level if the engine torque or vehicle speed is not decreasing, Muise describes a staged shutdown process rather than an immediate shutdown, but Muise says nothing about monitoring vehicle speed or engine torque and acting in response to the monitored value as claimed, and neither does Gray.

At least in view of those and other differences between Muise and Gray and pending claims 1-13, it is respectfully submitted that Muise and Gray fail to support a *prima facie* case of obviousness against those claims, and thus it is respectfully requested that the rejections be withdrawn.

As for new claim 14, the remarks above are pertinent, and so they will not be repeated. Suffice it to say that Muise and Gray do not teach and would not have suggested the subject matter defined by claim 14.

It is believed that this application is in condition for allowance, and thus a Notice of Allowance is respectfully solicited. If the Examiner has any questions, the undersigned attorney may be telephoned at the number given below.

Respectfully submitted,

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